

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-195509

DATE: January 25, 1980

MATTER OF: Ronald L. Vallarian ^{CLAIM for} Temporary Quarters and Subsistence Allowance

DIGEST: Employee is entitled to reimbursement for cost of groceries for family members as temporary quarters subsistence since old residence was vacated even though household goods were left there when family members temporarily moved in with employee's mother-in-law at old duty station. Moreover, family vacated residence since care for premature baby in it would have delayed its sale. Also, employee is allowed meal costs incident to visit to family at mother-in-law's home while in nonduty status away from his temporary lodgings at his new station.

Mr. Edwin J. Fost, Chief, Accounting Section, Drug Enforcement Administration, Department of Justice, asks whether reclaim voucher of Mr. Ronald L. Vallarian is payable. The voucher claims the cost of groceries for his family (\$136.50) and meal costs for himself only (\$49) as temporary quarters subsistence allowance incident to a transfer. AGC00010

The principal issue is whether Mr. Vallarian and his family can be considered to have vacated their permanent residence at Mr. Vallarian's old duty station as required for entitlement to temporary quarters subsistence allowance because the residence was not sold and their furniture remained in it. A secondary issue is whether Mr. Vallarian may be reimbursed the cost of his meals while visiting his family at the old station.

Mr. Vallarian's permanent change of station from Memphis, Tennessee, to Jackson, Mississippi, was completed on October 3, 1977, when he reported at his new duty station. He moved into temporary quarters upon his arrival in Jackson and claimed temporary quarters subsistence allowance for the period between October 3 and November 5, 1977, except for 4 days when he was away from Jackson on temporary duty. The expenses at issue are \$136.50 for groceries purchased for his wife and two sons while they stayed with his mother-in-law at the old duty station in Memphis, as well as \$49 meal costs spent for Mr. Vallarian on days he returned from Jackson to visit his family in Memphis

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between October 22 and October 24, 1977. These items were not allowed because the agency states his old residence was not sold and his furniture remained in it during the period of the claim.

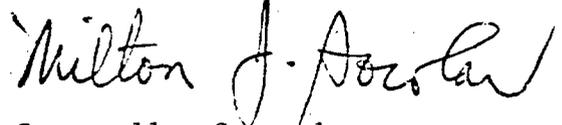
Mr. Vallarian reclaims the disallowed items. He states that the family members' grocery costs while remaining in Memphis at the mother-in-law's residence were incurred there because the family had moved from their home in Memphis while it was being shown for sale. Their new baby, prematurely born in May 1977, required constant care from August through November 1977. Consequently, Mrs. Vallarian could not maintain a household at the family residence so that it could be presentable upon a moment's notice for inspection by a prospective purchaser. The family's household goods remained in the family home until the day before it was sold on November 30, 1977. The family did not accompany Mr. Vallarian to Jackson until after the claim period because it was considered desirable that Mr. Vallarian's oldest son remain at the same school for at least one semester. They moved into their permanent residence in Jackson after its purchase in January 1978. Mr. Vallarian believes he is entitled to meals during his visit between October 22 and October 24, 1977, because a husband and father is expected to visit his family after a long absence.

Entitlement to temporary quarters subsistence expenses requires that the permanent residence occupied at the time the transfer was authorized must be vacated. Paragraph 2-5.2c of the Federal Travel Regulations. Although there is no precise definition of the term "vacate," great weight is given to the intention of the employee and family members to cease occupying the old residence and to occupy temporary quarters as shown by their actions before and after departure from that residence. 56 Comp. Gen. 481 (1977). The old residence may be considered vacated when, as in the present case, household goods are left there while occupying temporary quarters and awaiting relocation to the home at the new duty station. See Matter of Eligibility for Temporary Quarters Subsistence, B-184024, January 21, 1976, which also holds that the temporary quarters used in lieu of the old residence still containing the household goods must be incident to, and necessary for, the transfer. Further, we have allowed expenses for some family members occupying temporary quarters at the old duty station if the circumstances show that the living arrangement is incident to the permanent change of station. See, for example, B-164746, August 20, 1974.

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In the present case, we believe the old residence in Memphis was vacated even though the household goods were there and the family members remained at the old duty station. It was necessary for the family to leave the old residence and occupy temporary quarters since care for the premature baby in it prevented its proper maintenance for showing to prospective buyers and would have probably delayed its sale. Accordingly, Mr. Vallarian may be reimbursed the cost of groceries purchased by his family. Regarding the claim for the cost of Mr. Vallarian's meals the record shows the meals were purchased when he visited his family at their temporary quarters while on a trip in nonduty status away from his temporary lodgings at his new duty station. In these circumstances his meals during the trip are allowable expenses. Matter of Dr. Charles O. Gallina, B-182617, February 4, 1975.

Accordingly, the reclaim voucher for temporary quarters subsistence expenses may be certified for payment if otherwise payable.



For the Comptroller General
of the United States